
By: **Delegate Eckardt**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Adulterated Foods - Increasing the Amount of Alcohol That May Be Added to**
3 **Confectioneries**

4 FOR the purpose of increasing the permissible amount of alcohol that can be added to
5 a confectionery product before it is classified as adulterated food; requiring a
6 certain warning notice to be placed on the container of a confectionery product
7 which contains a certain amount of alcohol; and generally relating to alcohol as
8 an ingredient of a confectionery product.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 21-209
12 Annotated Code of Maryland
13 (2000 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health - General**

17 21-209.

18 (a) In addition to any other ground that may be applicable under § 21-207 or
19 § 21-208 of this subtitle, a confectionery food product is adulterated if:

20 (1) It contains any nonnutritive object, except as permitted by the rules
21 and regulations adopted under subsection (b)(1) of this section;

22 (2) It contains any nonnutritive substance other than a safe substance:

23 (i) That is in or on the confectionery because of some practical
24 functional purpose in the manufacture, packaging, or storing of the confectionery; and

25 (ii) The use of which does not promote deception of the consumer or
26 otherwise result in any adulteration or misbranding in violation of this subtitle; or

1 (3) It contains any alcohol:

2 (i) In excess of [0.5] 5 percent by volume; or

3 (ii) Derived from anything but flavoring extracts.

4 (b) (1) If, in the judgment of the Secretary, a nonnutritive object is of
5 practical, functional value to a confectionery food product and its use is not injurious
6 or hazardous to health, the Secretary may adopt a rule or regulation that permits an
7 exception to subsection (a)(1) of this section, regarding nonnutritive objects.

8 (2) To avoid or resolve uncertainty, the Secretary may by rule or
9 regulation:

10 (i) Interpret subsection (a)(2) of this section as that subsection
11 applies to use of a particular nonnutritive substance; and

12 (ii) Allow or prohibit the use of the particular nonnutritive
13 substance.

14 (C) A CONFECTIONERY THAT IS MANUFACTURED OR SOLD THAT CONTAINS
15 UP TO 5 PERCENT OF ALCOHOL PER VOLUME:

16 (1) MAY NOT BE SOLD TO INDIVIDUALS UNDER 21 YEARS OF AGE;

17 (2) SHALL STATE ON THE LABEL THAT THE SALE OF THE PRODUCT TO
18 INDIVIDUALS UNDER 21 YEARS OF AGE IS PROHIBITED;

19 (3) SHALL STATE ON THE LABEL THAT THE PRODUCT CONTAINS
20 ALCOHOL UP TO 5 PERCENT PER VOLUME; AND

21 (4) SHALL HAVE A WARNING LABEL AFFIXED TO THE CONTAINER OF
22 THE PRODUCT THAT STATES: "NOTICE: THIS PRODUCT CONTAINS ALCOHOL USED AS
23 A FLAVORING AND, AS WITH ANY PRODUCT THAT CONTAINS ALCOHOL: (I) WOMEN
24 SHOULD NOT CONSUME ALCOHOL DURING PREGNANCY BECAUSE OF THE RISK OF
25 BIRTH DEFECTS; AND (II) CONSUMPTION OF ALCOHOL IMPAIRS YOUR ABILITY TO
26 DRIVE A CAR OR OPERATE MACHINERY AND MAY CAUSE HEALTH PROBLEMS."

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2001.